

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

OSSIE ROBERT TRADER

§

VS.

§ CIVIL ACTION NO. 1:07-CV-545

UNITED STATES OF AMERICA

§

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Ossie Robert Trader, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

In an amended petition, petitioner argues that the sentencing court erred by failing to set a schedule for payment of petitioner's fine. This court lacks jurisdiction to consider that claim because complaints concerning a monetary fine do not satisfy the "in custody" requirement of Section 2241.

Bacerio v. Yusuff, 247 F.3d 240, 2001 WL 43528 (5th Cir. Jan. 3, 2001) (unpublished) (citing *United States v. Hatten*, 167 F.3d 884, 885 (5th Cir. 1999), and *United States v. Segler*, 37 F.3d 1131, 1137-38 (5th Cir. 1994)).

O R D E R

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **17** day of **January, 2008**.



Ron Clark, United States District Judge